

person, a committee of conference thereon, and ask the appointment of a like committee on the part of the Senate.

A bill to be entitled an act to require all Mayor's and Recorder's of incorporated towns and cities to call a Jury in the trial of causes, when the accused is subject under the law to fine and imprisonment, or either, was read; and

On motion of Mr. Williamson, indefinitely postponed.

On motion of Mr. Burleson, the Senate adjourned.

Thursday, 9 o'clock, A. M.
March 9th, 1848.

The Senate was called to order by the President.

The following Senators answered to their names:

Messrs. Abbott, Bourland, Brashear, Burleson, Clark, Dancy, Gage, Grimes, Jewett, McRae, Navarro, Parker, Perkins, Wallace, Williams, and Williamson.

Quorum present.

The Journal of the preceding day was read and adopted.

Mr. Bache was granted leave of absence on account of sickness.

Mr. Grimes moved that the vacancy in the committee on Contingent Expenses, caused by the absence of Mr. Bache be filled.

Carried.

Mr. McRae was appointed on said committee.

Mr. Clark, chairman of the committee on the Judiciary made the following report:

The Judiciary committee to whom was referred,

"A bill to be entitled an act to make an improved charter for Goliad City," herewith return the bill with a substitute the adoption of which they recommend.

They also report to the Senate a patent issued by the authorities of the late Republic of Texas, in the year 1844, to the corporation of Goliad for four leagues of land, together with a copy of the law or Joint Resolution authorizing the issuance of said patent.

The substitute differs materially from the bill passed by the House, and is perhaps, unobjectionable. The committee commend it to the favorable consideration of the Senate.

Mr. Dancy, Chairman of the committee on State Affairs, to whom was referred,

"A bill to be entitled an act to change the name of Ralph William Peacock, to John Bowen," returned the same to the Senate, and recommended its passage.

Mr. Dancy, Chairman of the committee on State Affairs made the following report:

The committee on Affairs of State to whom was referred, "A bill to be entitled an act to incorporate the Western Texas Orphan Assylum" have instructed me to report the same back to the Senate and recommend the following amendment, (to wit:)

Strike out the fourth and fifth sections of the bill, and add—
 "Sec. 4. That the said Orphan Asylum shall be located in the county of Comal, and that this act take effect from its passage," and recommend the adoption of the amendment and the passage of the bill as amended.

Mr. Perkins, chairman of the committee on Private Land Claims, made the following reports:

The committee on Private Land Claims, to whom was referred "An act for the relief of Garrison Greenwood," have examined the same, and direct me to present a preamble and joint resolution as a substitute for the act, and recommend its passage.

The committee on Private Land Claims, to whom was referred "A joint resolution, which originated in the House of Representatives, for the relief of Theodore D. Maltby, who was disabled for life in the service of the country, have investigated the same, and direct me to report, that Mr. Maltby, while acting as a volunteer under Col. Fisher, at the battle of Mier, in December, 1842, was badly wounded, and represented as being disabled for life; and it in the power of the Legislature to give, he merits what is asked by the resolution: they would therefore return it to the Senate for their consideration.

Mr. Perkins, chairman of the committee on Private Land Claims, to whom was referred "A bill for the relief of Abram Skidmore," reported the same back to the Senate, and recommended its passage.

Mr. Perkins, chairman of the committee on Engrossed Bills, reported as correctly engrossed, the following bills, viz.:

A bill to be entitled an act to create and organize the county of Santa Fe;

A bill to be entitled an act to establish the Eleventh Judicial District of the State of Texas;

Also, that the amendments to a bill to be entitled an act to regulate proceedings in the county courts pertaining to the estates of deceased persons, were correctly engrossed.

Mr. Abbott, chairman of the committee on Enrolled Bills, reported as correctly enrolled the following bills and joint resolution, viz.:

An act for the relief of Moses Evans, surviving administrator of H. S. Williamson, deceased;

An act to amend sections ten, eleven, thirteen and twenty-two, of an act to organize the Supreme Court of the State of Texas, approved 12th May, A. D. 1846;

An act for the relief of James Stewart; and,

Joint resolution for the relief of J. W. E. Wallace; and that said acts and joint resolution were transmitted to the Governor, on the 8th instant, for approval.

Mr. Burleson, chairman of the committee of Conference, on the part of the Senate, made the following report:

The select committee raised by the Senate and House of Representatives, to confer respecting the amendment made by the House to a resolution of the Senate, authorizing the committees on Contingent Expenses, to contract with some suitable person to take charge of the Capitol, Furniture, &c., respectfully report—that, after conference in joint committee, it was deemed advisable that the House should recede from its amendment, striking out the words “some suitable person,” and inserting “The Chief Clerk of the House of Representatives,” which is submitted by your committee, with the recommendation that it be adopted.

EDWARD BURLESON,
Chairman on part of Senate.

JAMES L. ALLEN,
Chairman on part of House of Rep.

Mr. Burleson, chairman of the select committee raised on times of holding courts, &c., to whom was referred a bill to be entitled an act to regulate the times of holding courts, in the Fourth Judicial District, reported the same back to the Senate, and recommended its passage.

Mr. Williams, chairman of the committee on Internal Improvements, to whom was referred “A bill to be entitled an act authorizing the Galveston City Company to change the plan of a certain block of lots in the city of Galveston, and authorizing the city and county authorities to use one of the public squares of said city for city and county buildings,” reported the same back to the Senate for their action.

Mr. Dancy, Chairman of the committee on State Affairs made the following report:

The committee on Affairs of State, to whom was referred a bill to be entitled an act to amend the first, second and fourth sections of an act, entitled an act, to regulate the license and practice of attorneys and counsellors at law, approved 12th May, 1846, have considered the same, and instructed me to return the bill to the Senate, and recommend that it be laid upon

the table: although favorable to the passage of the bill, I return the bill as directed by a majority of the committee.

JON W. DANCY, Chairman.

Mr. Bourland, chairman of the committee on Public Lands, made the following reports:

The committee on Public Lands, to which was referred "An act entitled an act for the relief of persons who have paid Government dues on field notes which were subsequently withdrawn," have had the same under consideration, and believing it would only be an act of justice to those who have once paid the dues on lands, the field notes of which have subsequently been cancelled, to allow them to apply the means elsewhere: therefore they have instructed me to report the bill back to the Senate, and recommend its passage.

The committee on Public Lands, to which was referred a "Bill to be entitled an act authorizing the holders of unlocated balances of certificates in certain cases to locate them," have had the same under consideration, and your committee are of opinion, that there is no necessity for any legislation upon the subject.

The law as it is, provides that claims may be divided, which your committee deem sufficient. They therefore recommend the bill be laid upon the table, and the committee discharged.

Mr. Wallace made the following report:

The special committee, to whom was referred a bill to be entitled an act to define the times of holding the Courts in the Eighth Judicial District, have considered the subject thereof, and instructed me to recommend that the bill be laid upon the table.

B. RUSH WALLACE, Chairman.

A message was received from the House of Representatives, informing the Senate that the House had passed a joint resolu-

tion proposing an amendment to the Constitution of the State of Texas. And,

An act to define the times of holding the District Courts in the Tenth Judicial District, which originated in the Senate; and

Joint resolution for the relief of the heirs of Mark Noble, deceased, which originated in the House;

Also, that the House had concurred in the amendments of the Senate to the following bills, viz.:

A bill to be entitled an act regulating sequestrations;

A bill to be entitled an act regulating elections; and,

A bill to be entitled an act, supplementary to an act, to create and organize the county of Panola;

Also, that the House had adopted the resolution of the Senate to go into the election for Public Printer, at 11 o'clock to-day.

The Senate proceeded to the orders of the day.

Messrs. Jewett, Clark, Dancy and Grimes were appointed a committee of Conference on a bill to be entitled an act regulating the proceedings in the District Courts; and,

A bill to be entitled an act organizing county courts.

A bill to be entitled an act to amend the 17th and 19th sections of an act regulating juries.

Read second time.

Mr. Williamson moved to indefinitely postpone the bill.

Lost.

The bill passed to a third reading.

Resolution of the Senate relative to the adjournment of the Legislature, *sine die*, was,

On motion of Mr. Perkins, laid upon the table until Monday next.

Mr. Wallace, from the special committee appointed to prepare a bill to define the times for holding the District Courts in the Fifth, Sixth and Eighth Judicial Districts, reported the following bill:

A bill to be entitled an act to define the times for holding the District Courts in the Fifth, Sixth and Eighth Judicial Districts.

Read first time.

A bill to be entitled an act to create and organize the county of Santa Fe.

Read third time and passed.

A bill to be entitled an act to establish the eleventh Judicial District of the State of Texas.

Read third time and passed.

A bill to be entitled an act to incorporate the city of Nacogdoches.

Read third time.

Mr. Parker moved to amend the bill by adding to the last section, "and that this act take effect and be in force from and after its passage."

Adopted.

The bill then passed.

On motion of Mr. Williamson, the Senate adjourned, preparatory to going into the election of Public Printer.

Senate met—roll called—quorum present.

On motion of Mr. Burleson, the Senate repaired to the Representative Hall, for the purpose of electing a Public Printer.

IN JOINT SESSION.

Proposals for printing the Laws and Journals of the present session of the Legislature were read, from Messrs. Cruger & Moore, W. H. Cushney, Cronican, Miner & Cummings, and Logan & Sterne.

On calling the roll of the Senate, the vote was as follows:

For Cruger & Moore—

Messrs. Abbott, Brashear, Clark, Cuny, Dancy, Gage, Grimes, Jewett, McRae, Navarro Parker, Perkins, Wallace, and Williams—14.

For W. H. Cushney—

Messrs. Bourland, Burleson, Fitzgerald and Williamson—4.

On the part of the House, Messrs. Cruger & Moore received 33 votes; Mr. Cushney received 12 votes; Messrs. Cronican,

Miner & Cummings received 9 votes ; and Messrs Logan & Sterne received 4 votes.

Messrs. Cruger & Moore having received a majority of all the votes, were declared by the Speaker of the House of Representatives duly elected Public Printers for the State of Texas, for the time prescribed by law.

Proposals were received and read from Charles De Morse, for printing the Journals of the first Legislature of the State of Texas.

The following Senators voted for Mr De Morse—

Messrs. Abbott, Bourland, Brashear, Burleson, Clark, Cuny, Dancy, Gage, Grimes, Jewett, Fitzgerald, McRae, Navarro, Parker, Perkins, Wallace, Williams and Williamson—18.

On the part of the House, Mr. De Morse received 45 votes.

Mr. De Morse having received a majority of all the votes, was declared by the Speaker duly elected to print the Journals of the first Legislature of the State of Texas.

The Senate returned to their Chamber.

A bill to be entitled an act to define the time of holding elections for the several State and County officers, and for Representatives to the United States Congress.

Read second time,

Mr. Williams moved to amend the last section as follows :

"Provided, that all county officers may continue to exercise the functions of their offices until their successors are duly qualified."

Adopted.

On motion of Mr. Dancy, the vote adopting the above amendment was reconsidered.

The question then recurred on the adoption of the amendment, which was rejected.

Mr. Dancy moved to amend the 2d section by striking out "two," before "Justices," in 5th line, and inserting "one."

Rejected.

Mr. Williamson moved to lay the bill upon the table until Saturday next.

Lost.

The bill then passed to a third reading.

On motion of Mr. Fitzgerald, the Senate adjourned until 3 o'clock, p. m.

3 O'CLOCK, P. M.

Senate met—roll called—quorum present.

Mr. Brashear, by leave, introduced a bill to be entitled an act to require the recording of certain grants, and to avoid by proscription those not so recorded.

Read first time.

A message was received from the House of Representatives informing the Senate that the House had passed a bill to be entitled an act to amend the several acts incorporating the city of Houston, which originated in the Senate:

Also, that the House had concurred in the 9th, 10th, 11th, 12th, 13th, 15th, 18th, 19th and 20th amendments of the Senate to a bill to be entitled an act regulating proceedings in the County Courts, pertaining to the estates of deceased persons: also that the House had concurred in the amendment of the Senate to the 132d section of said bill, and refused to concur in the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 14th, 16th, 17th, 21st, 22d, and the last amendment of the Senate to said bill.

A bill to be entitled an act authorizing and requiring County Courts to regulate roads, appoint overseers, &c.

Read third time.

On motion of Mr. Gage, the proviso in the 1st section was stricken out.

The bill then passed.

On motion of Mr. Grimes, joint resolution for the relief of Garrison Greenwood, was taken up and read together with the report of the committee on Private Land Claims, offering a substitute therefor.

Report adopted, and bill ordered to be engrossed.

On motion of Mr. Perkins, the rule was suspended, and joint resolution read third time.

Mr. Parker moved to amend by adding to the end of the last

section, "and that this joint resolution take effect from its passage."

The joint resolution then passed.

On motion of Mr. Clark, the Senate insisted on their amendments to a bill to be entitled an act regulating proceedings in the County Courts, pertaining to the estates of deceased persons.

Messrs. Jewett, Dancy, Clark and Grimes were appointed a committee of conference on said bill.

On motion of Mr. Cuny, joint resolution confirming a certificate for one league and one labor of land issued to John Vanderworth by the board of land commissioners of Austin county, was taken up.

Read second time.

Rule was suspended: read third time and passed.

On motion of Mr. Williamson,

A bill to be entitled an act to amend the 1st, 4th and 5th sections of an act regulating Estrays, approved December 22d, 1836, was taken up, read, and referred to the committee on State Affairs.

On motion of Mr. Clark,

A bill to be entitled an act to give to each corporate county in this State, its own County Surveyor, map, and records, was taken up and read second time, and

On motion of Mr. Gage, referred to the committee on Counties and County Boundaries.

A bill to be entitled an act to amend the forty-third section of an act punishing crimes and misdemeanors, approved Dec. 21st, 1836.

Read third time and passed.

A bill to be entitled an act to regulate proceedings in case of forcible entry and detainer.

Read third time, and passed.

A bill to be entitled an act better defining the marital rights of parties.

Read third time and passed.

A bill to be entitled an act to repeal the 11th section of an "act supplementary to an act to detect fraudulent land certificates, and to provide for issuing patents to legal claimants," approved Feb. 4th, 1841.

Read second time, and

On motion of Mr. Gage, referred to the committee on the Judiciary.

Mr. Navarro presented the petition of Samuel A. Maverick, which was,

On motion of Mr. Navarro, referred to the committee on Private Land Claims.

On motion of Mr. Navarro,

A bill to be entitled an act to regulate the times of holding courts in the fourth judicial district, was taken up, read, and passed to a third reading.

On motion of Mr. Navarro, the rule was suspended.

Bill read third time and passed.

Joint resolution authorizing the transfer of one half of a certain lot in the city of Austin, on certain conditions.

Read second time, and passed to a third reading.

A bill to be entitled an act authorizing the appointment of a fiscal agent, and for the better security of the revenue, was read.

Mr. Williamson moved to amend by striking out "Comptroller of Public Accounts," and inserting "Governor," in 2d line of 1st section, and in 5th line of 2d section.

Adopted.

Mr. Williamson moved to indefinitely postpone the bill:

Upon which the yeas and nays were called, and stood thus:

Yeas—Messrs. Burleson, Clark, Cuny, Gage, Perkins and Williamson—6.

Nays—Messrs. Brashear, Dancy, Grimes, Jewett, McRae, Navarro, Parker and Wallace—8.

Motion lost.

Mr. Dancy moved to amend by striking out "seventy-five," and inserting "fifty," in the last section.

Adopted.

Mr. Cuny moved to amend by striking out "twenty thousand" and inserting "thirty thousand."

Mr. Perkins moved to amend the amendment by striking out "thirty thousand" and inserting "one hundred and twenty thousand."

Adopted.

Mr. Cuny moved to amend by inserting after the word "shall," 1st line of last section, "make settlements quarterly with the Comptroller of Public Accounts and."

Mr. Dancy moved to amend the amendment by striking out "quarterly" and inserting "semi-annually."

Rejected.

The amendment offered by Mr. Cuny was then adopted.

The bill then passed to a third reading.

A bill to be entitled an act regulating Ferries.

Read second time.

Mr. Grimes moved to amend by striking out "January," in 6th section, and inserting "first."

Adopted.

On motion of Mr. Dancy, the 8th section was stricken out.

Mr. Dancy moved to amend by striking out "seven" before "feet," in 9th section, and inserting "six."

Rejected.

Mr. Dancy moved to amend by striking out the following words: "and he shall annually thereafter obtain a renewal of such license," in 7th section.

On motion of Mr. Perkins, the bill and amendment were laid upon the table.

A bill to be entitled an act appropriating certain fines and forfeitures, together with the report of the committee on the Judiciary thereon; was read, and

On motion of Mr. Clark laid upon the table.

A bill to be entitled an act an to amend an act entitled act for the relief of master builders and mechanics of Texas, approved Jan. 23d, 1839, together with the report of the committee on Internal Improvements, offering an amendment, was read; report adopted, and bill passed to a third reading.

Joint Resolution to validate the election of Mayor and Aldermen for the city of New Brunfels.

Read second time, and passed to a third reading.

A bill to be entitled an act to provide for the exchange of Books, maps, charts &c., together with the report of the committee on State Affairs, offering amendments; was read; report adopted, and bill passed to a third reading.

A bill to be entitled an act for the relief of Thomas J. Stell.

Read second time and passed to a third reading.

Joint Resolution for the relief of Henry M. Smith.

Read second time and passed to a third reading.

On motion of Mr. Cuny, Joint Resolution for the relief of Robert H. Beall, who was permanently disabled in the service of the country, was taken up.

Read and passed to a third reading.

A bill to be entitled an act for the relief of Alfred Brigance.

Read second time, and passed to a third reading.

On motion of Mr. Gage, the Senate adjourned.

Friday, 9 o'clock, A. M.
March 10th, 1848.

The Senate was called to order by the President.

The following Senators answered to their names :

Messrs. Abbott, Bourland, Brashear, Burleson, Clark, Cuny, Dancy, Gage, Grimes, Jewett, Fitzgerald, McRea, Parker, Perkins, Wallace, and Williamson.

Quorum present.

The Journal of the preceding day was read and adopted.

Mr. Perkins, Chairman of the committee on Private Land Claims made the following report:

The committee on Private Land Claims, have examined "a bill which originated in the House of Representatives, entitled an act to secure to the Colonists of Fisher and Miller's Colony, the lands to which they may be entitled," and find legal principles involved, the determination of which, would more properly come under a judicial investigation than theirs. There is also, a constitutional question involved, which has more than once elicited from them an unfavorable report, which reports are now before the Judiciary committee with a view to obtain their opinion. The bill is therefore respectfully recommended to be referred to that committee.

On motion of Mr. Perkins, the report was taken up and adopted.